

BRADY McGUIRE & STEINBERG, P.C.

ATTORNEYS-AT-LAW

603 WARBURTON AVENUE

HASTINGS-ON-HUDSON, NEW YORK 10706

TELEPHONE NOS. (914) 478-5755 OR (914) 478-4293

TELECOPY NO. (914) 478-4142

EMAIL bms.law@verizon.net

MATTHEW G. McGUIRE\*

JAMES M. STEINBERG\*

ROBERT D. BRADY  
OF COUNSEL

\* ADMITTED IN NEW YORK AND NEW JERSEY

Direct EMAIL james.steinberg4@verizon.net

September 14, 2006

Via ECF Filing & Regular Mail

The Honorable Sidney H. Stein  
United States District Court  
500 Pearl Street  
New York, New York 10007-1312

Re: The Annuity, Welfare and Apprenticeship Skill Improvement &  
Safety Funds of I.U.O.E. Local 15 v. Phase 1 Group, Inc. *et al.*  
Civil Case No. 06-CIV-5690 (SHS)

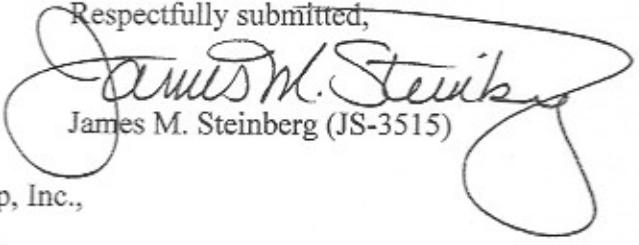
Dear Judge Stein:

Our office represents the Plaintiffs in the above-captioned matter. In that the Defendants have satisfied in full the amount demanded in the Complaint prior to the return date of the previously filed motion for a default judgment (September 21, 2006), please be advised that the Plaintiffs voluntarily dismiss this action with prejudice as against Defendants Phase 1 Group, Inc., New York Concrete Corp. and Phase 1 Group/New York Concrete, a Joint Venture, in accordance with Rule 41(a) of the Federal Rules of Civil Procedure. We respectfully request that you forward this notice to the Clerk's office for filing.

As a result of the parties resolving this matter, we respectfully withdraw the Plaintiffs' motion for a default judgment which is currently returnable on September 21, 2006 and renew our request that the initial conference scheduled for October 6, 2006 be canceled.

Thank you for your attention to this matter.

Respectfully submitted,

  
James M. Steinberg (JS-3515)

Cc: Ms. Donna Marie Russo (Phase 1 Group, Inc.,  
New York Concrete Corp. and Phase 1  
Group/New York Concrete, a Joint Venture)  
Mr. Patrick J. Keenan